

EXHIBIT 17

REC'D JAN 10 2009

IN THE DISTRICT COURT OF BOX BUTTE COUNTY, NEBRASKA

BOX BUTTE COUNTY SCHOOL DISTRICT)	
NO. 6, a/k/a ALLIANCE PUBLIC SCHOOLS,)	
on behalf of itself and all others similarly)	
situated,)	Case No. CI 04 - 270
Plaintiff,)	
)	ORDER
v.)	
)	
BAYER AG et al.,)	
Defendants.)	

This matter came before the Court on July 7, 2005, for hearing on two motions on the merits brought by Defendants, pursuant to Neb. R. Pleading Civ. Actions Rule 12(b)(6):

1) Motion to Dismiss by Bayer MaterialScience LLC (f/k/a Bayer Polymers LLC), Bayer Corp., Crompton Corp., Uniroyal Chemical Co., Inc., DSM Copolymers, Inc., and ExxonMobil Chemical Co., based upon the argument that Plaintiff lacks antitrust standing as damages alleged by Plaintiff are too attenuated and cannot be supported by Nebraska law because Plaintiff was the purchaser of a derivative end-use product in which Defendants' product was one component; and

2) Motion to Dismiss by Defendant ExxonMobil Chemical Co., based upon the argument that Plaintiff failed to sufficiently plead its Complaint in that it failed to put Defendants on fair notice of the claims against them.

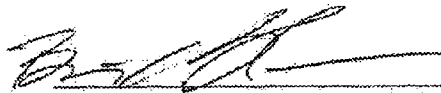
Briefs were submitted and oral arguments were heard on these issues, and the Court took the matter under advisement.

After consideration of the oral arguments presented by the parties and a review of the briefs submitted by the parties,

IT IS HEREBY ORDERED that these motions are OVERRULED.

Dated this 9 day of January 2006.

BY THE COURT:



Brian C. Silverman
District Judge